

**--Revised 11/10/10--**  
**Draft 11/1/2010 – SUBJECT TO CHANGE**  
**FOR REVIEW AND ADOPTION BY DSC AT 11/18-19/2010 MEETING**

**DELTA STEWARDSHIP COUNCIL**  
**October 28-29, 2010**  
**MEETING SUMMARY**

***DAY 1: Thursday, October 28, 2010, (10:00 a.m. – 4:30 p.m.)***

**1. Welcome and Introductions**

The meeting was called to order at 10:00 a.m., October 28, 2010, by Chair Phillip Isenberg.

**2. Roll Call – Establish a Quorum (Water Code §85210.5)**

Roll call was taken and a quorum was established. The following members were present for the meeting: Phillip Isenberg, Randy Fiorini, Gloria Gray, Don Nottoli (arrived at 10:36 a.m.), Patrick Johnston and Hank Nordhoff (arrived at 10:05). Absent: Felicia Marcus.

**3. Chair's Report**

Chair Isenberg began his report by announcing the passage of a budget, and as a matter of procedure, Chris Stevens advised Chair Isenberg to suggest a motion that would authorize two contract actions, which would implement the transfer of the CH2M HILL contract from DWR to the Council and subsequent funding of the Council's Delta planning efforts including the CH2M HILL contract:

- The Executive Officer is authorized and directed to execute Assignment by DWR to the Council A&E Contract #4600008890, with CH2M HILL for preparation of the Delta Plan and associated environmental review (\$9,500,000) and;
- The Executive Officer is authorized and directed to execute DWR Contract #460000XXXX, which will allow the Council to receive up to \$14,000,000 (Prop 84) from DWR to fund the Council's Delta planning efforts, including the CH2M HILL Contract for preparation of the Delta Plan and associated environmental review.

Chair Isenberg asked if there were questions from the Council or public. As there were none, it was moved (Johnston) and seconded (Fiorini) to authorize the contract actions. A vote was taken and the motion was passed (5/0).

Isenberg also discussed the upcoming election, the transition, process of appointments, and the first budget (including the Council's) that is due to the new Governor in January.

**4. Executive Officer's Report**

**a. Legislative and Legal Update**

Curt Miller provided a brief legislative update that included information on the budget package and the trailer bills. One bill would require a Zero Based Budget to be submitted to DOF who will then submit a report to the legislature based on the budget. Miller also discussed the trailer bill regarding the enforcement of water rights provisions and fees and the independent contractor hired for the BDCP. He said the Legislature will reconvene on December 6, and as early as January, will start working on the new budget.

Chris Stevens introduced Rebecca Coleman, a legal extern from McGeorge School of Law, who provided the Council with the monthly Delta related litigation update:  
[http://www.deltacouncil.ca.gov/delta\\_council\\_meetings/october\\_2010/Item\\_4a\\_Legal\\_Update.pdf](http://www.deltacouncil.ca.gov/delta_council_meetings/october_2010/Item_4a_Legal_Update.pdf)

## **b. Administrative Update**

### Zero Based Budget Update

Joe Grindstaff discussed the Zero Based Budget that the Legislature requested the Council prepare for this coming year. Grindstaff explained that the Resources budget trailer bill, SB 856, adopted on October 7, 2010, included language requiring the Council and other state agencies with projects and programs in the Delta, to provide a zero-based budget for those programs and functions by April 1, 2011. Staff will work with the DOF and other state agencies to meet this reporting deadline.

### Contracts

Joe Grindstaff discussed the Quarterly List of Contracts and Grants that was included in the meeting packet. The listing includes updated information on the current fiscal year budget and a quarterly update of contracts. Details on the budget and contracts were included in Attachment 2. Chair Isenberg called for public comments on the Executive Officer's report. There were none.

## **5. Adoption of Contracting Procedures (Action Item)**

Chris Stevens provided the Council background on Item 5. This action item was requesting the Council to adopt contracting procedures (included as Attachment 2) as required by SB 1450, which took effect on September 26, 2010, as an urgency measure. It allows the Council to use expedited contracting processes for the development of the Delta Plan and other specified functions, but first requires the Council to adopt contracting procedures. Livia Page and Sylvia Valverde were present to answer questions regarding the contracting procedures. Following questions and discussion of the procedures, Chair Isenberg asked if there were further questions or comments from the public on the contracting procedures. There were no members of the public wishing to comment on this item. However, because the draft procedures were missing from Council Member Nordhoff's materials (staff provided him with an extra copy) the vote was postponed to allow him time to review. (Member Nordhoff reviewed the contracting procedures and having no further comments, the contracting procedures were adopted after Agenda item 7.)

## **6. Adoption of August 26-27, 2010 and September 23-24 Meeting Summaries (Action Item)**

Chair Isenberg explained that the August 26-27, 2010 meeting summary was amended on October 26, 2010, to include a section of text that was dropped from the original summary. The text was previously provided to the Council in their meeting materials. Isenberg asked if there were any questions or comments from the Council or public and as there was none, it was moved (Johnston) and seconded (Gray) to approve the amended August 26-27 meeting summary. A vote was taken (5/0) and the motion passed. Next the September 23-24, 2010 meeting summary was addressed. Chair Isenberg asked if there were any questions or comments on the September meeting summary and as there were none, it was moved (Gray) and seconded (Nordhoff) to approve the September 23-24, 2010 meeting summary. A vote was taken (5/0) and the motion was passed.

## **7. Lead Scientist's Report**

Cliff Dahm presented the Lead Scientist's Report that highlighted the two recent Delta Science Program events, the Science Conference and the Delta Independent Science Board inaugural meeting. Dahm also reported on the Delta Science Fellows Program and gave a summary of his participation in the annual meeting of the Ecology and Civil Engineering Society of Japan. Dahm also stated that he believes the Delta ISB will be an independent body who will be able to provide the Council with good advice. He also mentioned that "Stressors" will be addressed at their meeting in December.

## **8. Recommendations from Early Action Committee (Action Item)**

Item 8, Recommendations from the Early Action Committee was presented by Chair Isenberg. This is a request to approve the Early Actions Review Committee's recommendation(s). The Committee (Isenberg and Fiorini) had their second early action meeting, and directed staff to the matrix (table 1) and the summary of early actions items considered at the October 11 Committee meeting (table 2). The Recommendation Options Submittal forms that were considered were included in the meeting materials. Following discussion of the submittals, Chair Isenberg called for public comment.

Public Comment on Agenda Item 8 was provided by:

Pete Kutras, Delta Counties Coalition, regarding Early Actions request that the Contra Costa County levee rock stockpile, which is Delta-wide, be kept as an early action item and to be brought back for a status update at the December Council meeting.

Melinda Terry, California Central Valley Flood Control Association, updated the progress of the Chair's request to work on an emergency rock bank.

Mark Rentz, Association of California Water Agencies, asked why not pursue a dialog with DFG about the feasibility of a modification to the striped bass bag and size limits as an early action under Interim Plan?

Michael Boccadaro, Coalition for Sustainable Delta, followed-up on our enforcement audit discussion.

Greg Zlotnick, State and Federal Contractors Water Agency, asked regarding striped bass predation – why delay on striped bass control?

Following public comment, it was moved (Nordhoff) and seconded (Nottoli) to approve the Committee's recommendations. A vote was taken (5/0) and the motion was passed. Chair Isenberg will allow Council Member Johnston to add on to the vote when he returned to the room.

## **9. Recommendation Regarding Tentative Permit for Sacramento Regional Wastewater Treatment Plant (Action Item)**

Cliff Dahm presented this item, which was requesting endorsement of his comments on the Sacramento Regional Wastewater Treatment Plant's tentative permit and transmit the Council's action on this matter to the Regional Water Board.

Dahm explained that the Central Valley Regional Water Quality Control Board issued a tentative wastewater discharge permit for the SRWTP. Comments on the tentative permit were due on October 8, 2010, and Dahm provided comments on the total ammonia limits in the permit in a memorandum to the Chair. The Chair forwarded those comments to the Regional Water Board with a commitment to bring the matter to the Council at the October meeting. A hearing on the tentative permit will be held by the Regional Water Board on December 8-10, 2010. Dahm provided the Council with overview of his comments and discussed nutrients in the Delta and their effects on the food web in the Delta.

Supervisor Nottoli introduced Stan Dean, District Engineer of the Sacramento Regional Wastewater Treatment Plant. Dean's presentation focused his discussion on this policy matter: balance and reconciliation, and the remainder of the permit. His presentation began with background of the District and the costs and benefits of the permit. The presentation was focused on the economic and scientific rationale. The "value of water" was also discussed. Dean stated that he had to ask himself if the changes are made, will we see a change in the Delta ecosystem health. He further explained that the cost of the permit will increase fees and what the effects the increased fees would have on the economically regionally. SRWTP believes removing half the ammonia is the prudent thing to do but beyond that they don't believe there will be enough assurances that there will be a measurable gain that will justify the cost that will be imposed on the Sacramento Region. He also discussed other options such as water recycling projects they are trying to pursue.

Following the presentation, the Council commented on the presentation and asked questions regarding the economic rationale of the project.

Public comment on agenda item 9 was provided by:

Kenneth Landau, Central Valley Regional Water Quality Control Board, was available to answer questions from the Council and supports the Chair's recommendation.

Greg Zlotnick, State Federal Contractors Water Agency, supported the Council's communication to the RWQCB.

Michael Boccadoro, Coalition for a Sustainable Delta, supported the Council's position regarding the permit and economic issues of the permit.

Following the public comment and discussion, Grindstaff suggested the Council take an action supporting Dahm's statement and suggests they send a follow-up letter (restricting the subject to ammonia). It was moved (Gray) and seconded (Nordhoff) to draft a letter indicating that the DSC has reviewed Dahm's letter and supports agrees with his conclusions focusing on ammonia.

Nottoli stated that he feels that the Chair has sufficiently communicated the Council's concerns. However, since he is close to the issues (but has no conflict) he will abstain from the vote.

Finally, a vote was taken (5/0, 1 abstention) and the motion was passed.

## **10. Update on BDCP**

Keith Coolidge presented Agenda Item 10, the update on the Bay Delta Conservation Plan.

The agenda item began with a presentation by Richard Roos-Collins, co-chair of the Governance workgroup. Roos-Collins explained the governance proposal and how the implementing office will interact with the Council and other agencies.

Chair Isenberg requested that Roos-Collins offer the Council "five items in governance." He felt a more forceful comment from the Council would be helpful. Roos-Collins proposed the following five questions:

Is this (the BDCP) CALFED warmed over or something better?

Are you satisfied with the robustness of the relationship between the Council's science program and the science program the permittee's will administer as specified in section 7.1.10?

How well will real time ops (adaptive management of ops) as described in 7.3.2, work?  
Is this WOMET in drag?

Regarding 7.3.5, management of the Adaptive Management Program, the same questions were asked. How will the procedure for adaptive management differ from the status quo ante?

Please explain if the Delta Plan must comply with the Delta Reform Act as related to section 7.4 and is the treatment of section 7.4 is headed in the right direction?

Chair Isenberg requested Roos-Collins submit his written comments.

Following the presentation, the ARCADIS team, Larry Roth and Lucas Paz, presented their third report and also discussed the draft outline of the scoping comments, a table of unresolved issues, and the status of each. The Council discussed the contents of the

scoping letter and Member Fiorini stated the letter was good but more specifics would be helpful. He also suggested some changes in the wording.

After briefing the Council and discussing with the Council how best to proceed with resolving/investigating issues with the BDCP, Chair Isenberg called for questions and public comment.

Public comment on Agenda Item 10 was provided by:

Greg Zlotnick, State Federal Water Contractors Agency, regarding comments of Richard Roos Collins and the role of the DSC vis-a-vis BDCP.

Melinda Terry, North Delta Water Agency, said some BDCP Governance issues were still not addressed including a willing seller, an enforcement/implementation of EIR/EIS, and who will be the permittees.

Jonas Minton, Planning and Conservation League, commented on the need to look at who pays and how much, and if they are offering to bring a value engineered conveyance alternative.

Spreck Rosekrans, Environmental Defense Fund, commented on how BDCP warrants a broad adaptive management range.

A motion was made for the Council to provide direction for the preparation of an additional comment letter to the lead agencies on the BDCP. It was moved (Nordhoff) and seconded Johnston. A vote was taken (5/0); however the roll stayed open until the next morning to allow members to add on to the issues. (No issues were raised and the motion carried 5/0).

## **11. Delta Plan Development**

Consultant Gwen Buchholz began the discussion on the Delta Plan by giving the Council an update on the coordination activities. Preparation of the Delta Plan is being initiated with the development of whitepapers and the NOP for the EIR. The draft Delta Plan and draft EIR will be prepared by June 2011, and the final Delta Plan and Final EIR will be prepared by December 2011 to comply with legislation. Buchholz discussed the NOP and CEQA process. Buchholz walked everyone through the redline version of the Initial Sections of the Notice of Preparation. She also went over the additions to the NOP and discussed the preliminary concept for development of alternatives for and EIR analysis.

After discussion by the Council, Chair Isenberg called for public comment and requested written comments from interested parties.

Public comment on Agenda Item 11 was provided by:

Greg Zlotnick, State Federal Contractors Water Agency, who commented on the draft NOP and Flood Risk White Paper issue. He said he will submit written comments.

Mark Rentz, Association of California Water Agencies, was seeking clarification of the "scope of project," especially in the context of the "Covered Actions" and geographic planning areas (see pp10-11 "Planning Area").

Dan Kelly, Somach Simmons & Dunn/Glenn Colusa Irrigation District, commented on Responsible Agencies and will submit written comments.

Melinda Terry, California Central Valley Flood Control Association, regarding attachment 2, said a good job was done on the documents. She will submit some minor comments in writing.

## **12. Public Comment**

Nicky Suard, Snug Harbor, was unavailable for public comment but submitted a Request to Address the Council on which she stated she wanted to comment on Agenda Item 10, attachment, 3 – 7 items 21, 22, 24 and Item 11, attachment 2. Her comment stated that the Delta Flood Risk white paper contains incorrect data regarding island flood history, even though Ryer Island history appears to be corrected.

Chair Isenberg asked if there were any other members of the public wishing to address the Council. There were none.

**The meeting concluded for the day at 4:20 p.m.**

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***DAY 2: Friday, October 29, 2010 (9:00 a.m. – 3:30 p.m.)***

## **13. Call to Order**

The meeting resumed at 9:10 a.m. with Chair Isenberg presiding.

## **14. Roll Call – Establish Quorum (Water Code §85210.5)**

The Council operated as a sub-committee with members Fiorini, Nottoli, and Chair Isenberg present. Shortly after the meeting began Member Johnston arrived (9:15). Roll call was taken and a quorum was established. Absent: Gray, Marcus, and Nordhoff.

The first item discussed was the BDCP scoping letter. Member Fiorini had comments on the scoping letter and suggested additions and corrections. The Council authorized staff to finalize the scoping letter as authorized by the Council's action, yesterday.

## **15. Presentation by Independent Science Board**

Dr. Richard Norgaard, the Chair of the Delta Independent Science Board, presented Agenda Item 15. His report provided information about the Delta ISB's inaugural meeting on September 30 and October 1, 2010. The next meeting is scheduled for December 9-10, 2010. Dr. Norgaard also discussed the request from the Legislature for the Delta ISB to identify and prioritize stressors in the Delta. A draft of priority indicators will be completed in March and will be presented at the ISB April 7-8 and to the Council by late April. Member Fiorini recommended moving up the timetable and having the list to the ISB at the March 11 meeting.

Following the presentation, Chair Isenberg asked if there were any members of the public wishing to address the Council. There were none.

### **Continuation of Agenda Item 11 – Delta Plan Development**

Gwen Buchholz continued Agenda Item 11 from the previous day and spoke on the White Paper process. White papers are being prepared to describe historic and existing conditions and trends related to the Delta ecosystem, Delta flood risks, Delta emergency preparedness, water resources/water quality, and Delta land uses and socioeconomics. The Delta ecosystem and flood risk white papers were presented at the meeting with the remaining white papers expected to be presented at the November Council meeting. Buchholz stated the white papers, and comments received on them, will be used to develop the Existing Conditions or Environmental Setting sections of the EIR, and will also identify opportunities and strategies for the Delta Plan alternatives. All public comments received on the white papers are included in the comment tracking program.

Chair Isenberg requested a statement be prepared and posted on web. The white papers can be found at this web address: <http://deltacouncil.ca.gov/white-papers.html>

Buchholz introduced Stuart Siegel and David Christophel, the primary authors of the ecosystem white paper. They offered a presentation that highlighted portions of the white paper. The presentation focused on what people have done to the system and the consequences of those changes that resulted in stressors.

Following the presentation, the Council asked questions and commented on the white paper.

Grindstaff said member Marcus, who was not in attendance, called him and commented that on page 3 of the Executive Summary, contaminants were not listed and thought they should be listed. Grindstaff also stated that he liked the maps. He asked Siegel about what the effect on the ecosystem would be if the navigational water ways were blocked. The Council also discussed and asked for clarification on issues such as sea level rise, expanding the agriculture section, and the section on tourism and recreation aspect in the white paper. Chair Isenberg asked if the land use white paper will include information on agriculture. Chair Isenberg requested that staff prepare a white paper on Agriculture (focused on the Delta) for the December meeting.

The Flood Risk White paper discussion was lead by Eric Nichol who introduced Consultant Eric Nagy. Nagy began by giving background on the preparation of the white paper. Nagy said the purpose of the white paper was to provide historical context for topic of risk and to start to introduce issues that will be relevant to the development of the Delta Plan. Nagy stated the white paper contains four major themes: the Delta as it exists today being the product of levees; these levees face several significant risks; the current business practices will not sustain the current version of the Delta; and the concept of risk.

The Council went through the white paper, asking questions and requesting clarification. Member Fiorini asked if there was a Delta levee plan and asked what a Delta levee plan would include. Chair Isenberg would like to see a sample of what range of alternatives



in this area might look like. He also felt that emergency response flood control is the most complex aspect of the plan. Member Johnston said the issues should include what standards apply to what levees. He cited the 1992 Delta Protection Act and discussed it as it related to levee standards. Nottoli raised the issue of levee investments; levee stability, rural community viability and FEMA levee standards. Nagy responded to questions and provided clarification on the white paper. Buchholz stated that these issues will be discussed at December meeting.

Following the Council's discussions, Chair Isenberg called for public comment. Public comment on the Agenda Item 11 was provided by:

Jane Wagner, Restore the Delta, commented on the presentation stating that if the Council is going to consider hardening the demand in the Delta with permanent crops, they should consider hardening the demand in the Central Valley where there has been a move toward permanent crops that don't require uninterrupted water supplies. She also requested that the report analyze how much water originally intended for agriculture is now being used for other purposes that will generate more money (the sale of water).

Greg Zlotnick, State Federal Contractors Water Agency, commented that he felt there were a number of recommendations in the Delta Vision reports that were policy issues that need to be dealt with.

Following the public comment on the white papers, the Council discussed the Comment Matrix. Buchholz went through the public comment matrix. Chair Isenberg requested that dates added to the matrix titles. Grindstaff stated that he has received calls and e-mails from stakeholder Terry Sprague, who has developed a technology to use a fabric pipeline in an emergency. Grindstaff stated that DWR has been asked to evaluate the fabric technology.

#### **16. Public Comment (Action Item)**

Chair Isenberg asked if there were any members of the public wishing to address the Council. There were none.

#### **17. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.**

The next meeting is scheduled for November 18-19, 2010

**The meeting adjourned at 12:30 p.m.**